



***Substitute House Bill No. 6773***

***Public Act No. 05-227***

***AN ACT CONCERNING CLEAN AIR STRATEGIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) (a) For purposes of this section, "outdoor wood-burning furnace" means an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not include a fire pit, wood-fired barbecue or chiminea.

(b) No person shall, from the effective date of this section to the effective date of regulations promulgated by the United States Environmental Protection Agency to regulate outdoor wood-burning furnaces, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless (1) the outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to the effective date of this section, or (2) the outdoor wood-burning furnace complies with the following:

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(A) Installation of the outdoor wood-burning furnace is not less than two hundred feet from the nearest residence not serviced by the outdoor wood-burning furnace;

(B) Installation of the chimney of the outdoor wood-burning furnace is at a height that is more than the height of the roof peaks of the residences that are located within five hundred feet of the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-burning furnace, provided the chimney height is not more than fifty-five feet;

(C) No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated; and

(D) Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this section.

(c) The provisions of this section shall be enforced by the Commissioner of Environmental Protection and may be enforced by the municipality affected by the operation or potential operation of an outdoor wood-burning furnace.

(d) Any person who operates an outdoor wood-burning furnace in violation of this section shall be deemed to have committed an infraction and shall be fined not more than ninety dollars. Each day of operation of such outdoor wood-burning furnace in violation of this section shall be a separate violation.

Sec. 2. Section 22a-174j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Not later than May 1, 2006, the Department of Public Utility Control shall complete an investigation of the potential impact on electric reliability and electric rates created by promulgation of the regulations

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under this section. If such investigation concludes that there is no negative impact on such reliability and rates, not later than [January 1, 1999] July 1, 2006, the Commissioner of Environmental Protection shall, in conjunction with the Department of Public Utility Control and by regulations adopted in accordance with chapter 54, establish uniform emissions performance standards [for electricity generation facilities supplying power] to regulate emissions to the air from the generation of electricity supplied to end use customers in this state. Such performance standards shall, to the greatest extent possible, be designed to improve air quality in this state and to further the attainment of the National Ambient Air Quality Standards promulgated by the United States Environmental Protection Agency. Such performance standards shall [be based on the fuel used for generation of electricity and shall apply to electric suppliers' generation facilities located in North America] apply to emissions caused by electricity generation in any location in North America used to supply end use customers in this state, shall limit emissions to levels consistent with those permitted from technically similar generators located in this state and shall limit the amount of air pollutants, including, but not limited to, nitrogen oxides, sulfur oxides [,] and carbon dioxide [, carbon monoxide and mercury,] emitted per megawatt hour of electricity produced. Such performance standards may provide for a program for purchase of offsetting reductions in emissions and trading of emission credits. [A performance standard established by the Department of Environmental Protection for an individual pollutant pursuant to this section shall go into effect when three of the states participating in the northeastern states' Ozone Transport Commission as of July 1, 1997, with a total population of not less than twenty-seven million at that time, have adopted such standard.]

Approved July 8, 2005